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2  
3                   UNITED STATES DISTRICT COURT  
4                   EASTERN DISTRICT OF WASHINGTON  
5

6                   UNITED STATES OF AMERICA,                   }  
7    }  
8    } Plaintiff,  
9    }  
10    } No. CR-12-055-JLQ  
11    } ORDER OF DISMISSAL and to  
  } CLOSE FILE  
  }  
JOSE DANIEL GONZALEZ-RODRIGUEZ }  
  }  
  } Defendant.  
  }  
\_\_\_\_\_

12                   Defendant Jose Daniel Gonzalez-Rodriguez appeared before the court for  
13 sentencing in this matter, and a related matter, Case No. 12-45-JLQ-2, on November 13,  
14 2012. Defendant was represented by Gloria Finn Porter. At that time the Government,  
15 represented by Assistant United States Attorney Stephanie Lister, orally moved to dismiss  
16 the Indictment in this case, CR-12-055-JLQ, wherein Defendant is charged with illegal  
17 entry to the United States. The Government had agreed to dismiss this action as part of  
18 the Plea Agreement in Case No. 12-45-2 (See Plea Agreement at ECF No. 205). At  
19 Paragraph 6 of the Plea Agreement in CR-12-045-2 the parties agreed as follows:

20                   Additionally, the parties agree that the Defendant will move to vacate his plea of  
21 guilty to Illegal Entry in 12-CR-00055-JLQ and the United States agrees to dismiss  
the charge of Illegal Entry, in 12-CR-00055-JLQ at the time of sentencing.

22                   Defendant had previously entered a plea of guilty in this matter. Upon the  
23 Government's oral Motion to Dismiss the charge of illegal entry, the court allowed  
24 Defendant to withdraw his plea. This Order memorializes those rulings.

25                   **IT IS HEREBY ORDERED:**

26                   1. The Government's oral Motion to Dismiss, which the court construes as being

1 made pursuant to Fed.R.Crim.P. 48(a) is **GRANTED**. The court makes no judgment as  
2 to the merit or wisdom of this dismissal.

3 || 2. Defendant's prior plea of guilty is vacated.

4       3. The Clerk of the court is directed to enter a Judgment of dismissal of the  
5 Indictment and close this file.

**IT IS SO ORDERED.** The Clerk shall enter this Order, enter Judgment, and furnish copies to counsel.

8 Dated this 16<sup>th</sup> day of November, 2012.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE